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VOL. XI. NO. 4.

WITH SUPPLEMENT--RICHMOND, VIRGINIA, SATURDAY, NOVEMBER 16, 1895.

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LIFE OR DEATH?

DESPERATE EFFORTS OF THE LUNENBURG OFFICIALS TO OBTAIN THE PRISONERS.

Gov. O'Ferrall Firm. He Adheres Strictly to the Constitutional Guarantee

ATTORNEY-GENERAL SCOTT ALL RIGHT TOO.

He Supports His Excellency in His Efforts to Uphold the Law.

The Pitiful Condition of the Women.

Sheriff Cardoza's Plea.

DECLARES HE WILL CARRY THE WOMEN TO THE LAWLESS COUNTRY.

ATTEMPTS TO DEFY THE GOVERNOR AND THE COURT.

Thrilling Happenings in this City

Messrs. Wise and Flournoy Make an Able Fight in Lunenburg Co. Court.

JUDGE WELLFORD TO THE RESCUE.

THE CONVICTED PEOPLE MUST REMAIN HERE.

Mr. Guignon's Unique Motion--Judge Organ Renews His Order for the Prisoners--City Sergeant Epps Obedient to Answer the Charge of Contempt of the Lunenburg Co. Court. Sheriff Cardoza Comes for Him and the Prisoners--Superintendent Lynn Refuses to Deliver Mary Barnes to the Sheriff--A Mixture and a Muddle--The Women's Counsel Have Won So Far.

A Celebrated Case and Stirring Times Ahead--What Will the End Be?

The Pollard Murder Case has been the absorbing topic of conversation during the past ten days. Never in the history of the commonwealth has there been such an affair which has presented to the legal world so many unique features. The best lawyers in the state have stood agape at the questions raised and wondered that the points presented stand without a precedent upon the statute books in this country.

TREMBLING IN THE BALANCES.

The lives of Solomon Marable, Mary Abernathy, Pokey Barnes and Mary Barnes have been trembling in the balances. The cause of this was due to the fact that "Judge Lynch" has put in appearance and patiently awaited the arrival of Sheriff M. C. Cardoza with the prisoners in Lunenburg Co., in order that he might unlawfully hang and riddle with bullets, the bodies of these helpless and defenseless people.

The cases are to come up during this term of the Supreme Court of Appeals which is now in session in this city. Judge Organ of Lunenburg Co., is issued an order requiring the sheriff to produce the prisoners in Lunenburg County Court on November 11, 1895. The Supreme Court of Appeals was put in appearance and patiently awaited the arrival of Sheriff M. C. Cardoza with the prisoners in Lunenburg Co., in order that he might unlawfully hang and riddle with bullets, the bodies of these helpless and defenseless people.

WANTED NO THROPS.

In the meantime Sheriff Cardoza, no doubt influenced by public sentiment in the county, refused to call for

Have Not Returned to Lunenburg County.



POKEY BARNES & MARY ABERNATHY.



SOLOMON MARABLE



MARY BARNES.

The Lynchers Foiled--Desperate Efforts to Secure the Return of the Prisoners--A Legal Battle Unsurpassed in Criminal Annals--Judge Wellford takes Them into the Custody of His Court.

troops to escort the prisoners, and declared that the Governor had no right to send them unless he did ask for them. His intentions were perfectly apparent. The alleged necessity for the presence of the prisoners in the County Court of Lunenburg was the application by Judge Mann, who had been employed by the Board of Supervisors to assist the Attorney General for an order nunc pro tunc. This was a confession that the court record of the case was fatally defective, and although a certified copy had been forwarded to the Supreme Court of Appeals, it was intended to correct the errors in this record and substitute the corrected one for the other that had been previously sent up. This was a desperate effort to "mend their hold."

JUDGE MANN'S PREDICAMENT. Judge Mann, however, had placed himself in a very embarrassing predicament inasmuch as in his anxiety he had failed to consult with the Attorney-General, his senior in the case, and the proceedings were being proceeded with, without his consent. It was mischievous meddling with the duties of Attorney General R. Taylor Scott.

The result is soon told. Attorney General Scott declared the presence of the prisoners at Lunenburg C. H. was unnecessary, inasmuch as they had waived their right to be present. Gov. O'Ferrall, who was preparing to send two companies of troops with them, later instructed City Sergeant Epps not to deliver them to the sheriff. Editor Mitchell, Rev. W. F. Gresham and Rev. R. H. Bowling called on the counsel for the women, Saturday, 9th inst. They were poring over the law. In the meantime, Hon. George D. Wise and Judge H. W. Flournoy, counsel for the women and Wm. M. Justis, Jr., Esq., counsel for Marable, were in the city. The sheriff was secured from Judge Wellford a writ of habeas corpus, restraining City Sergeant Epps from delivering the prisoners and restraining Sheriff Cardoza from receiving them.

Despite all this one of the most tragic scenes ever enacted took place Sunday morning, November 10th. Editor John Mitchell, Jr., had gone to the jail early that morning. The pleasant statement from the jailer that the prisoners would not go to Lunenburg that day was received with satisfaction.

Solomon Marable was called and appeared at the barred gate inside of the jail. A smile beamed on his countenance when he was informed that he would not be carried to Lunenburg county. He is now much younger looking than he was when he first came to this city. He wore the head-chain of the Roman Catholic Church and suspended from the center was the cross. He had not heard from his wife since.

THE CITY SHERIFF'S POSITION.

Going upstairs were soon in the office of the City Sergeant, Captain Charles H. Epps. He was seated, gazing into the fire. The rain was falling on the outside. Captain Epps has a military caste of countenance and is fully six feet in height.

He greeted us and we discussed the situation. "Yes," he said, "I have received orders from the Governor to hold these prisoners and also a writ that they cannot go. I would like much to serve the gentlemen from Lunenburg County; but I cannot obey two masters, when one tells me to go up the hill and the other tells me to go down. If they gave the same order I could accommodate them."

Looking through the open door Editor Mitchell saw Mary Abernathy and Pokey Barnes coming across the jail "bridge" or porch. They entered the Sergeant's Office. Smiles shown on their countenances when they saw the editor. They expressed themselves as feeling well. They were very neatly dressed (Sunday fashion) and Pokey was looking unusually attractive. And yet both stood in the shadow of

death. While the editor was speaking about the action of the Governor, a figure darkened the threshold of the open door.

DEMANDING THE PRISONERS. "Good morning, Mr. Cardoza!" was the greeting of Sergeant Epps. "Good morning!" was the response. He walked military fashion across the floor and partly "about face" fronted Captain Epps, facing the doorway through which he had just come. The sheriff was terribly agitated and it was with difficulty that he controlled himself. He drew from his pocket a paper, and handed it to Captain Epps who adjusted his eye-glasses carefully read the order of Judge Organ instructing him to turn over to the sheriff, the two shrinking women standing in the office.

It was not long before a reply came from the Governor. "I have an order from the Governor directing me to hold these prisoners. I am sorry, I would like to oblige you, Mr. Cardoza." He handed him the order from the Governor. It reads thus:

THE GOVERNOR'S ORDER. GOVERNOR'S MANSION, RICHMOND, VA., Nov. 9, '95

To Captain Charles H. Epps, Sergeant of Richmond City, and Keeper of the Jail:

Do not deliver the Lunenburg convicts to M. C. Cardoza, sheriff, etc., as heretofore instructed, but retain them until I communicate with and hear from Judge Organ.

CHARLES T. O'FERRALL, Governor of Virginia. The communication appeared to be written and signed by the Governor himself. Then you desire to deliver these prisoners to me?" was Sheriff Cardoza's remark. "I do," was the quiet, but firm response. The sheriff was angrier than ever. He stalked from the room without a word. When he had reached the middle of the stairway, he asked, "Can you tell me where Charley Meredith lives?" Captain Epps gave him the information and he disappeared in the yard below.

The women were happy. Smiles beamed on their countenances and they could not restrain their joy. Captain Epps remarked that the women issued by Judge Wellford had been served on Sheriff Cardoza at the Lexington, the night before.

The women were returned to the cell and Editor Mitchell went to the yard below. As he was passing out, two of Sheriff Cardoza's deputies entered enquiring for him. Upon being told that he had just gone, they awaited his return.

It was made manifest that it was the intention to allow these people to be lynched. A sheriff and two deputies had come to Richmond to carry back to Lunenburg County, one man and two women through a section reached only by wagon roads and nearly twenty miles from a railroad station.

The people in the locality are working up to fever heat and lynching parties have been already organized. Sheriff Cardoza was failing to do his duty and it was not surprising that the Governor was carrying out his sworn obligation to take care that the laws are faithfully executed.

A detailed history of the effort of the counsel for the prisoners to prevent the return of their clients to Lunenburg County will hardly prove uninteresting.

THE COUNSEL'S PLAN.

The following letter was addressed to the Attorney-General:

Hon. R. Taylor Scott, Attorney-General of Virginia:

Dear Sir,--On the 22nd of October this year, Mary Abernathy, Mary Barnes and Pokey Barnes, two of whom are prisoners in the city jail under sentence of death and the other Mary Barnes, in the State penitentiary, addressed communications to

the Hon. George O. Organ, judge of the County Court of Lunenburg county, a copy of one of which is hereby enclosed. In such case the formal waiver was signed by all three of us as counsel.

We, as counsel for these prisoners, respectively request you to aid us in avoiding the necessary expense and trouble of having them conveyed to the County of Lunenburg. A military escort will be indispensable for their protection and the expense incurred to the Commonwealth very great. In addition, the prisoners would be subjected to the torture of apprehension, which should be avoided in the interest of humanity, if possible. We have received no reply to the communications sent to Judge Organ, and therefore do not know what his purpose is, but we are persuaded that with your assistance our request would be granted by the Judge.

With great respect, your obedient servants, GEORGE D. WISE, H. W. FLOURNOY, A. B. GUGION.

Governor O'Ferrall had held a consultation with the Attorney-General in reference to the case, and was assured by him that the presence of the prisoners before Judge Organ was not by any means necessary, as the proceedings in that court were no part of the trial.

THE ATTORNEY-GENERAL'S OPINION.

The following is his report:

November 7, 1895. "Governor Charles T. O'Ferrall, city:

"Dear Sir,--Since our conference as to the Lunenburg case, I am in receipt of letters from Messrs. Wise, Flournoy and W. M. Justis, Jr., repeating to me the proposition made in the petition in writing sent to the judge of the County Court of Lunenburg. By this request the convicts, Mary Abernathy, Mary Barnes, Pokey Barnes and William Henry alias Solomon Marable, by advice of counsel, waive their personal presence in court on the 11th inst. and agree and consent that what is there done in their cases and the orders made by the Court shall have the force and effect in law as if made in their presence, but reserve the right to contest the power and the right of the Court to make such orders."

"Upon careful consideration, I am of the opinion that amendments to the records of Lunenburg County Court in the trials of the convicts aforesaid, by an order made nunc pro tunc under these agreements of client and counsel in writing, have, and will be given the full force and effect in law, as if made in the personal presence of Mary Abernathy, Mary Barnes, Pokey Barnes and William Henry alias Solomon Marable, and their presence on the 11th is not necessary."

Very respectfully yours,

R. TAYLOR SCOTT, Attorney-General.

GOV. O'FERRALL TELEGRAPHIC.

Governor O'Ferrall upon receiving this opinion, sent the following telegram to Judge William H. Mann, of Nottoway, who has been employed by the supervisors of Lunenburg to assist the Attorney-General in conducting the cases of the prisoners:

Richmond, Va., Nov. 8, 1895. Hon. William H. Mann, Nottoway Courthouse, Va.:

The Attorney-General has given me his written opinion that the presence of Marable and others at Lunenburg Courthouse on Monday next is not necessary. In the face of this opinion I feel that it would be wrong to impose upon the State the expense of military guard, and I ask that you aid me in saving this expense, advising that prisoners remain here. If the prisoners go military guard will accompany them and remain as long as the prisoners are in the county.

I concur in all the Governor has said.

R. TAYLOR SCOTT, Attorney-General.

JUDGE MANN'S REPLY.

Late Friday evening, Nov. 8th, Judge Mann wired Governor O'Ferrall as follows:

Nottoway C. H., Va., Nov. 8, 1895. His Excellency, Charles T. O'Ferrall, Governor of Virginia, Richmond: As the associate of the Attorney-General in the case of the Lunenburg prisoners, I must submit to his opinion and be controlled by it, whatever may be my own views. I think it safe for the Commonwealth that the prisoners should be present when nunc pro tunc order is made, but will advise the judge of Lunenburg of the opinion of the Attorney-General, and will not oppose the order in the absence of the prisoners, but am unwilling to assume any responsibility upon this point. There is no disposition on the part of Lunenburg or her officers to put the State to expense, and if permitted, she will protect the prisoners with her own citizens and at her own cost.

Most respectfully, W. H. MANN.

The Governor held a consultation Friday night, 8th inst. for some time with Attorney-General and Mr. Carter Scott, and Judge H. W. Flournoy was also sent for.

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CHARLES T. O'FERRALL. I concur in all the Governor has said.

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The Governor after a long consultation with Attorney-General Scott, fully and finally made up his mind upon the question of the removal of the Lunenburg prisoners and ordered City Sergeant Charles H. Epps not to deliver them to Sheriff M. C. Cardoza.

THE GOVERNOR CONSULTS HIS ADVISERS.

All day Saturday 9th inst. the case of the prisoners was under earnest discussion by the Governor, Attorney-General and counsel for the women, and it was not until late Saturday night that the Governor arrived at the fixed determination not to allow the prisoners to go. While he was closeted with the Attorney-General, the decision which they should arrive at was awaited with eagerness in the Governor's sitting-room by General Charles J. Anderson, Brigadier-General Phillips, Major Evans, Captain Heath, of the Petersburg Grays, who had arrived in the evening, and others.

After the conference had lasted some time, Deputy Sergeant Claiborne Epps was sent for and taken into consultation by the Governor and Attorney-General. A few minutes later the discussion came to a close, and the Governor, returning to the sitting-room, said to the officers in attendance:

THE PRISONERS OBEYED.

"The prisoners will not be taken back to Lunenburg. Issue orders to the troops who are awaiting orders to disband."

After these orders had been executed by Captain Heath, who was stepping to the Governor's telephone, called up Petersburg and ordered his lieutenant who was summoned to the phone, to disband the Grays, who were then in their armory with arms and accoutrements all ready to start when orders were received.

DANVILLE TROOPS IN READINESS.

General Phillips by wire also ordered Captain Franklin, of the Danville troops to disband his men, who were all under arms waiting for orders.

After these orders had been executed the Governor explained that he had come to the conclusion, in which he was fully sustained by the Attorney-General, that it was his duty as Governor to protect his citizens.

He based his action entirely upon the 11th section of the Code of Virginia which says that the Governor shall

protect the lives and property of his citizens.

One of the most amusing things of the past week was to see a young lady going home from an entertainment with her fellow overcoat around her, having left hers (?) at home.

Quite a number of young ladies have had their pictures taken, believing that their physiognomy presents a betters appearance this time of the year than any other. Put in your claim, boys.

A bird's eye view is all we want.

MAONO USO.

[CONTINUED ON FOURTH PAGE.]

FROM BLUEFIELD.

The Planet Encouraged.

THE "GRAB" DISCUSSED IN WEST VIRGINIA.

Mr. Oliver Addresses a Meeting in Defense of the True Reformers and Abuses the Planet and its Editor.

EDITOR PLANET:--

We would to God there were more bold and fearless editors among our people as yourself, one who never fails to utter an expression saving for justice, right and for the interest of this down-trodden race. We are taught out of God's word that there is more rejoicing in heaven over one sinner repenting, than 50 just persons that need no repentance. What we mean by this, the good you have accomplished for your race is more gloriously appreciated and recognized by the Lord alone than men. The good you have done for fallen humanity will be told in a better land than this. God is smiling upon you, our prayers shall go up to a throne of grace that you will live long to lead this people on to higher things in life.

It has only been through your noble and unceasing efforts that those two women, who were sentenced to be hanged during the month of September, are still alive, with a hope of being free again. You have aroused the entire country on this great and important case. Surely God is with you in this fight, for only the one, out of every "battle," we are praying for the aid of your dear, loving paper all will be saved.

AGAINST THE PLANET'S OPPOSERS.

Those that are going through the country living off of other people's money, trying to persuade the reading public from taking a paper that has done more for the race than any other Negro paper since the dawn of all journals, should be driven out of anyone's city in a cruel manner. It plainly shows that the race is not yet free from these low-grounds of sorrow and shame has become very low, still they say they are laboring in the interest of the race.

Your great heroic influence that you have wielded over the country in demolishing lynch-law has had a wonderful effect in every state. It should go down in the history of your noble record. It has in our earnest opinion placed you far above all financiers, great leaders, and the so-called "big" leaders of our race and country in the sight of him who knows all things and sees all things. In all of God's angry thunders upon this world, we believe it is when men take the lives of others by cruelty such as swinging anyone up with a rope to telegraph poles, trees, and riddling their lifeless body with bullets, there is another way they have, trying the feet and hands, burning the body or person up alive. Reader; these are the things we must oppose, and we are the only ones in this world who are doing it.

THE KIND OF MATERIAL NEEDED.

It requires only the best material of our people to fight against this heathenish act. It must be stopped some way. The way Editor Mitchell has fought to check this outrageous act, demands the respect and esteem of every man who loves his race. But not on the other hand like some going through the country advising the people not to take the PLANET, simply because the PLANET is fighting the right side of the \$50,000.00 voted Rev. W. W. Browne by the delegation in the city of Richmond at the 16th Annual Session of the Grand Fountain, United Order of True Reformers for the copyright of his plans of the order.

THE PEOPLE RALLYING.

Not-withstanding the outrageous things that have been said about the PLANET and its brilliant editor, we are still finding people who want the PLANET. My brother, God is truly with you in such an important "battle" as this. "Lynch-law must go." You are a brave man who loves your race and country, will dare to check the murderous hands of thugs and scoundrels, who shed the blood of its citizens. You will see to it that bad men are brought to justice, that criminals are tried by due process of law, that law and order shall prevail, and that thieves, murderers and cut-throats shall not run the country.

THE WIND-BAG IN ANOTHER SECTION.

A. J. Oliver, Esq., of Roanoke, Va., was here last week, in defense of Rev. W. W. Browne and what had been published in the PLANET about Rev. W. W. Browne and the \$50,000.00. He spoke here to a very small audience, and his criticism and outrageous remarks were so severe on the PLANET and Editor Mitchell that a great many of them vacated the room. Mr. Oliver's entire discourse was on the PLANET and John Mitchell, Jr., about two hours and a half. I have been informed that his lectures through the coalfield were similar to the one at Bluefield.

The Grand Fountain is at a large expense sending this gentleman through the country to abuse Editor Mitchell and his race defending paper.

We learn he is to be paid for his lectures by the Grand Fountain, but not from the general fund as the \$50,000 is to be paid out of the general fund.

POINT WELL-TAKEN.

Shakespeare says, "He that filches from me my good name robs me of that which never enriches him, but indeed makes me poor." The above

quotation is very applicable to Mr. Oliver from the very fact the trouble is between Rev. Mr. W. W. Browne and Hon. John Mitchell, Jr. We hold they are the proper ones to get the public straight again.

Rev. R. C. Fox of Handley, W. Va., assisted by the able divine, Rev. W. Carter of Pocahontas, has accomplished great good in the city for the past 2 weeks with the revival that has been in progress at the Scott Street Baptist Church. Over 80 have professed Christ since the meeting started. The house is packed to its utmost capacity each night. There are a large number of enquirers.

Yours for the onward prosperity and circulation of the PLANET.

W. R. PATTERSON.

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MIKADO A SUCCESS.

The Japanese Opera Mikado was presented last Monday and Tuesday nights to a large and appreciative audience at the True Reformers Hall.

The rendition of the above opera plainly demonstrated that great care had been taken in the preparation of the same. The several characters composing the caste were ably represented. Their stage demeanor and gestures at times were so perfect that one would imagine himself listening to professionals rather than amateurs. Mr. Q. Wm. Moon as Mikado, Mr. Edward Clay as Nanki Poo, Mr. D. C. Jackson as Pooch Ben, were very good and held their reputation of former days.

Mr. G. Drake as Pish Tush was good. He is a new comer among the Richmond singers and has a melodious tenor voice of considerable range and sweetness.

Mr. W. E. Hope as Ko Ko was conceded to be the star of the occasion. His articulations, expressive enunciation were better than we have seen in some professionals. He was in every way suited to the character.

Mr. A. Harris as the character of Katisha is also a stranger in our midst. She won for herself a reputation among the musical element. The solos and duets of Mr. W. E. Hope and Mrs. A. Harris in the love scenes, and between them caused the audience to break forth with a deafening applause to which they responded only to be more heartily encouraged.

Miss Serena Taylor as Yum Yum, Miss E. Williams as Pitti Sing, Miss C. Randolph, Peep Bo, did fairly well. Miss Serena Taylor has a sweet voice and her range of voice is needed to represent such an important character. The chorus was seemingly well trained and though they sang well rather weak. The performance Tuesday night was equally as good, though the audience was not so large.

Sold Out--That Animated Auction Sale.

"Brother A. V. Norrell made a motion, as a starting bid, that the Grand Fountain give the G. W. Master (\$20,000) twenty thousand dollars for his plans, to be paid in such a way as will not hurt the institution.

THAT ANIMATED AUCTION SALE.

Here it was then that a stir took place, as the delegates stated that it was not enough, other than offering to have amendments recognized raising the amount. It was like an animated auction sale. Brother A. V. Norrell stated that he did not think this Grand Fountain could measure the ability of the G. W. Master, and that when he offered \$20,000, he simply did it as a bid, believing and thinking that the Grand Fountain would add to that and give him a handsome sum."

Brother Norrell was \$30,000 below high water mark. No wonder he apologized to the chief and the Grand Fountain. Had he started at forty thousand, the final bid might have been one hundred thousand and what a smile he would have received from the "royal" countenance. Advice to Brother Norrell--bid higher.

MANCHESTER LETTER.

"God's Care for His Saints," was the theme of Rev. S. B. Smith's sermon on last Sunday morning at the First Baptist Church. This young divine handled the subject with credit to himself and to the church. Dr. B. B. Smith's sermon and preached from the subject, "Thou Shalt Have no other Gods before me." Owing to the inclement weather the members did not turn out as they usually do.

On to-morrow, Sunday afternoon, at 8 o'clock, Dr. B. B. Smith will preach to the mothers and fathers of our city, The Reverend, give the boys and girls "Lamb and ram," and we are satisfied the sermon next Sunday to the parents will be nothing shorter than "sheep and mutton," see?

Dr. B. B. Smith left the city for Atlanta last week.

Mr. D. W. Bland is improving after a severe attack of malaria. He was seen the minutes of the 23rd Annual Session of the Samaritans, held at Charlottesville, Va.

Q. Wm. Moon, G. W. Secretary reports the actions of the Grand Lodge as they occurred, covering up no one's short coming in the matter. The water is doing out, the Order like deep water is moving on gently without any trouble or disturbance toward the members of the order. Then we may expect every old sore head that did not attend the last session or session of late to come up with great speech-making, declaring and saying look what we have done for the growth of element can't run the Order, but they can't, they most." And now if the order did not succeed with the every year, just figures brought forward a few lines of common sense and a few logical dollars in reality or real money, and not so much speech-making beyond a doubt.

Mrs. Sarah Gray keeps quite feeble. EAMOS.